



1019-1002A4

1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                              |                             |
|------------------------------|-----------------------------|
| In re the Application of:    | Application No.: 10/828,465 |
| Fultheim, Shai               |                             |
| Filed: 04/21/04              | Art Unit: 2128              |
| For: Cluster Based Operating | Examiner: David Silver      |
| System-Agnostic Virtual      |                             |
| Computing System             |                             |

---

**RESPONSE TO OFFICIAL ACTION**

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of 30 December 2009, Applicant respectfully submits the following remarks. This application contains claims 1-45, all of which were rejected in the Official Action. Reconsideration is respectfully requested.

Applicant thanks Examiner Silver for the courtesy of a telephone interview held 23 February 2010 with Applicant's representative, Daniel Kligler (Reg. No. 41,120). At the interview, Dr. Kligler argued the patentability of the claims over the cited art (Okamoto and VMware), but no agreement was reached.

Claims 1-4, 9-16, 22-30 and 32-45 were rejected under 35 U.S.C. 103(a) over Okamoto et al. (U.S. Patent 5,829,041) in view